

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Municipal Administration & Urban Development Department – Hyderabad Metropolitan Development Authority – Change of land use of the land from Partly Residential Use (R2) and Partly Special Reservation (Grave Yard) Use Zone to Special Reservation (Masjid) Use Zone of the site in behind Malgi Pr.No. 21-5-451 at Dargah Hazrath Syed Kale Shah Baba, Petlaburj, Near City College, Hyderabad to an extent of 689.03 Sq.mtrs – Draft variation – Notification – Confirmation – Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT DEPARTMENT

G.O.Ms.No. 167

Dated: 11.05.2011.

Read the following:

1. From the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad, Lr.No.3505/PD1/Plg/ HMDA / 2009, Dated: 10.09.2009 and Dated: 22.06.2010.
2. Government Memo No. 5256/I1/2009, Municipal Administration & Urban Development Department, dated: 13.07.2010.
3. From the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad, Lr.No.3505/PD1/Plg/ HMDA/2009, Dated: 20.04.2011.

ORDER :

The draft variation to the land use envisaged in the notified Zonal Development Plan for Zone X of Municipal area, issued in the Government Memo 2nd read above, was published in the extraordinary issue of Andhra Pradesh Gazettee No.350, Part-I, dated: 15.07.2010 inviting objections /suggestions from the public if any within the stipulated period i.e., fifteen days from the date of publication of the notification. The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority has also published the said notification in local News Papers i.e., in the Times of India (Hyderabad Edition) and Eenadu (Hyderabad Edition) on 20.09.2010 inviting objections and suggestions as specified in sub-section (3) of Section 15 of HMDA Act, 2008.

Sri M.A. Mujeeb, Advocate has issued a notice that, his clients states that, the nature and object of the wakf property cannot be changed in whatsoever manner. The nature and object of the said property is Fateha and burial only and the said property has to be remained as a grave yard only and any attempt to change the nature of property is nothing but misuse of wakf property. Hence he requested on behalf of his client not to accord any permission for change of land use submitted by Mohd. Mustafa Khan and thereafter reject any application submitted by him in respect of Dargah Hazarath Kalesha Saheb situated at Petlaburz, near City College, Hyderabad.

The Chief Executive Officer, A.P. State Wakf Board, Hyderabad in his Proc. No. 17/NOC/Hyderabad /2008, dated: 19.01.2009 has accorded the permission for construction of Masjid at open area of Dargah Hzt., Kalesha Baba, Petlaburj with certain conditions. The Collector, Hyderabad district vide his Ir. No. B2/1591/09, dated: 08.07.2009 has also recommended the change of land use proposals.

Government after careful examination of the entire issue, found that the objections raised are not valid. Hence the said objections are rejected. The draft variation is confirmed.

The appended notification shall be published in the Extra-ordinary issue of the Andhra Pradesh Gazettee Dated: 19.05.2011.

The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority shall publish a notice in news papers as specified in sub-section (4) of Section 15 of HMDA Act, 2008 on or before the date of Gazette Notification and furnish the copies of same to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**T.S. APPA RAO,
PRINCIPAL SECRETARY TO GOVERNMENT (UD)**

To

The Commissioner of Printing, Stationery & Stores Purchase, Hyderabad.

The Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, Hyderabad.

The Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

Copy to:

The individual through the Metropolitan Commissioner,
Hyderabad Metropolitan Development Authority, Hyderabad.

The Special Officer and Competent Authority,
Urban Land Ceiling, Hyderabad. (in name cover)

The District Collector, Hyderabad District.

Sf /Sc

// FORWARDED :: BY ORDER //

SECTION OFFICER

**APPENDIX
NOTIFICATION**

In exercise of the powers conferred by sub-section (1) of section 15 of Hyderabad Metropolitan Development Authority Act, 2008 (Act No. 8 of 2008), the Government hereby makes the following variation to the land use envisaged in the notified Zonal Development Plan for Zone X of Municipal Area, the same having been previously published in the Extra-ordinary issue of Andhra Pradesh Gazette No. 350, Part-I, dated: 15.07.2010 as required by sub-section (3) of the said section.

VARIATION

The site in behind Malgi Pr.No. 21-5-451 at Dargah Hazrath Syed Kale Shah Baba, Petlaburj, Near City College, Hyderabad to an extent of 689.03 Sq.mtrs, which is presently earmarked for Partly Residential Use (R2) and Partly Special Reservation (Grave Yard) Use Zone in the notified Zonal Development Plan for Zone-X, Municipal area is designated as Special Reservation (Masjid) Use Zone, subject to the following conditions:

1. that the applicants shall obtain prior permission from Hyderabad Metropolitan Development Authority before undertaking any development in the site under reference.

2. that the owners / applicants shall handover the areas affected under the notified roads to the local bodies at free of cost.
3. that the owners / applicants shall develop the roads free of cost as may be required by the local authority.
4. that the title and land ceiling aspects shall be scrupulously examined by the concerned authorities i.e., Urban Development Authorities / Municipal Corporations / Municipalities before issue of building permission / development permission, and it must be ensured that the best financial interests of the Government are preserved.
5. that the Change of Land Use shall not be used as the sole reason for obtaining exemption from the provisions of Urban Land Ceiling Act, 1976.
6. that after demolition of the existing building, clearances if any required from Urban Land Ceiling authorities should be obtained before approaching the municipal authorities for obtaining permission.
7. that the above change of land use is subject to the conditions that may be applicable under Urban Land Ceiling Act and A.P. Agriculture Ceiling Act.
8. that the owners / applicants are solely responsible for any misrepresentation with regard to ownership / title, Land Ceiling Clearances etc and they will be responsible for any damage claimed by any one on account of change of land use proposed.
9. that the change of land use shall not be used as the proof of any title of the land.
10. that the Change of Land Use does not bar any public agency including Hyderabad Metropolitan Development Authority / Local Authority to acquire land for any public purpose as per Law.
11. that the owner/applicant before undertaking developmental activity in the site u/r existing buildings should be demolished.
12. that the applicant has to fulfill any other conditions as may be imposed by the Competent Authority.
13. that the applicant should follow the conditions stipulated by the Chief Executive Officer, A.P. State Wakf Board, Hyderabad in Proc No. 17/NOC/Hyd/2008, dated: 19.01.2009.

SCHEDULE OF BOUNDARIES

NORTH: Existing 85'-0" wide B.T. Road
(Proposed 100'-0" wide road)

SOUTH: Police Quarters Land

EAST : Existing 60'-0" wide B.T. Road
(as per ZDP-X, 40'-0" wide road)

WEST : Police Quarters Land

**T.S. APPA RAO,
PRINCIPAL SECRETARY TO GOVERNMENT (UD)**

SECTION OFFICER